

CASE # C15-2011-0002

ROW-10535830

TP-0223021410

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.**

1403  
STREET ADDRESS: 1405 West 45<sup>th</sup> st

LEGAL DESCRIPTION: Subdivision – Rosedale B

Lot(s) east 35 ft. of lot 10 Block B Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Shaw Hamilton on behalf of myself/ourselves as authorized agent for

Mark Kudela affirm that on Dec. 14, 2010, hereby apply for a hearing before the Board  
of \_\_\_\_\_

Adjustment for consideration to:

**ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN**

Erect a new single family home:

Variance requested : \_\_\_\_\_ Lot size 2117 sq. ft. , Lot frontage 34.97 ft.

~~Rear setback 9' 11 1/2"~~ FRONT SETBACK 21'

in a SF-3 district.

(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

### **REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The Lot was established in 1948 prior to regulations and needs relief from strict enforcement of the regulations in order to make this lot developable.

### **HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

[REDACTED] The property to the east is commercial, [REDACTED] the entire property would be a compatibility setback, [REDACTED]. The property to the west is single family and have no desire to buy.

- (b) The hardship is not general to the area in which the property is located because:

This is the only small lot left in this area that is not developed. The remainder of lots in this area meet the minimum lot size and are fully developed. This is an older area of town that was developed in 1930's and 1940's

### **AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The area is a combination of single family and commercial uses. Both roadways adjacent to this lot are well traveled (45<sup>th</sup> St and Burnet Rd.) The driveway is already existing on 45<sup>th</sup> St. for this lot and would not impact adjacent properties.

### **PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:  
  
\_\_\_\_\_
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 6301 Mercedes Bend

City, State & Zip Austin, Texas 78759

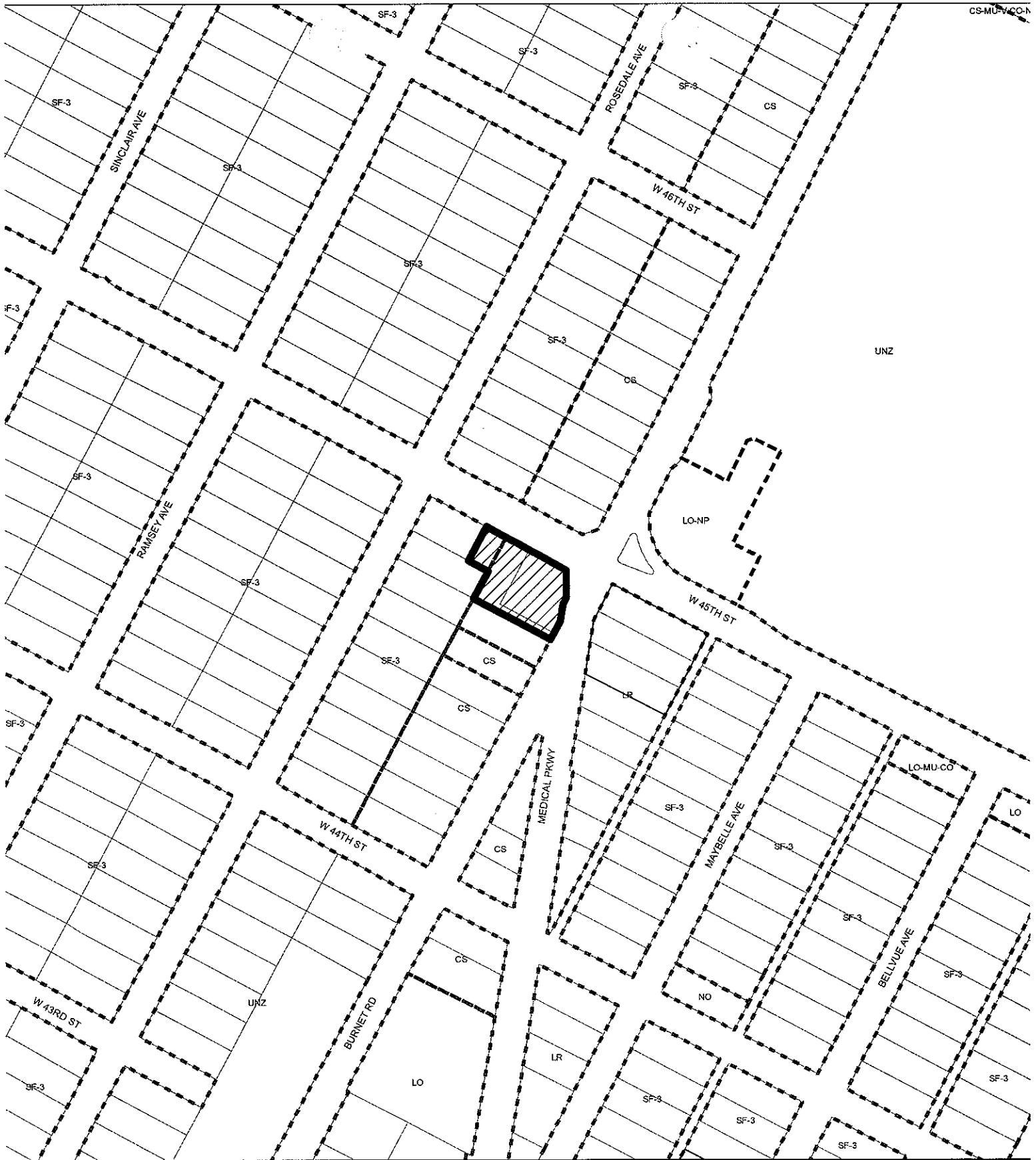
Printed Mark Kudela Phone (512) 554-3150 Date 11/3/2010

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 6301 Mercedes Bend

City, State & Zip Austin, Texas 78759

Printed Mark Kudela Phone (512) 554-3150 Date 11/3/2010



## BOARD OF ADJUSTMENTS

CASE#: C15-2011-0002  
 LOCATION: 1403 W 45TH ST  
 GRID: J26  
 MANAGER: SUSAN WALKER



SUBJECT TRACT



ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Proposed residence  
45th Street

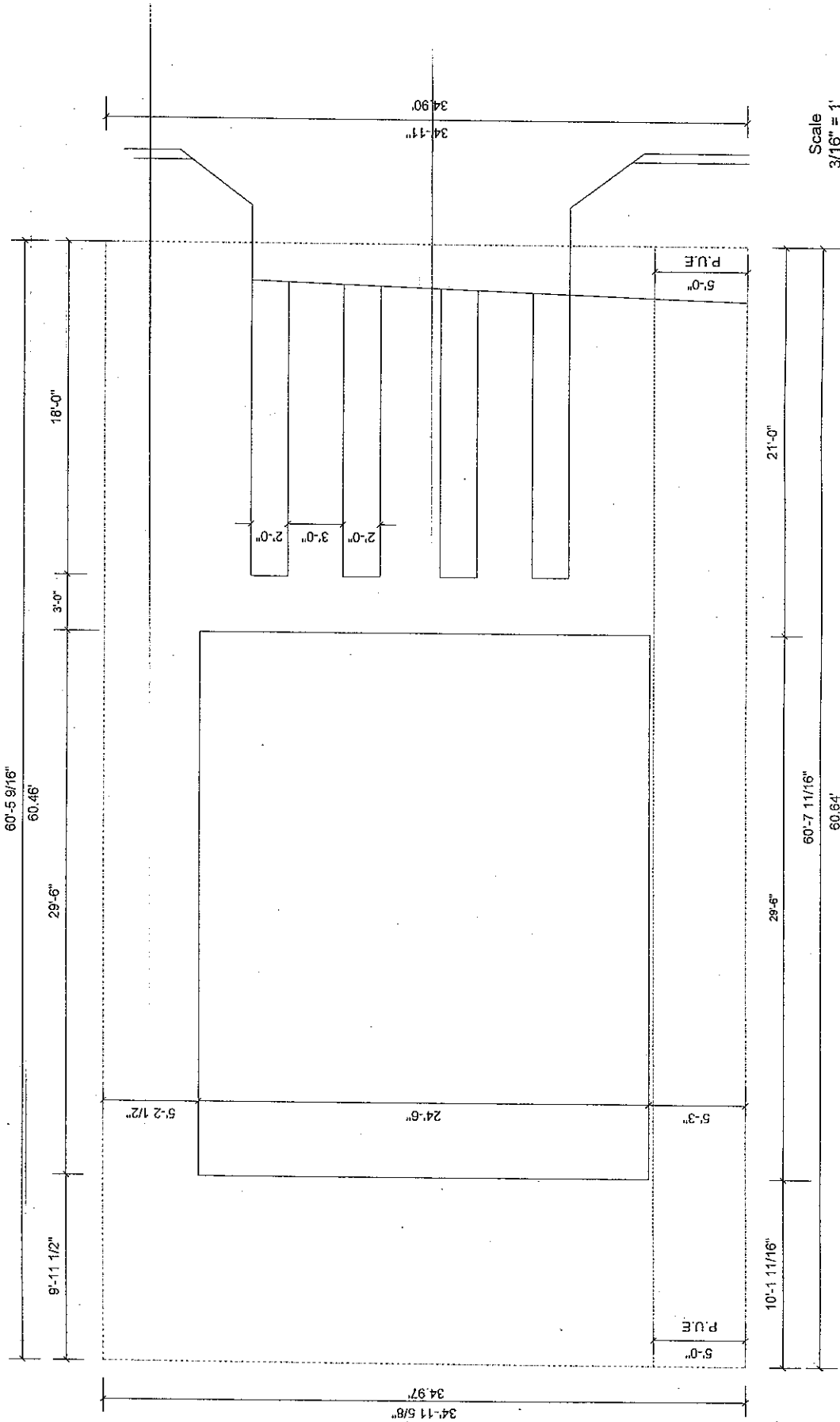
Wayne Barnes  
Company

5114 Balcones  
Woods #307  
Austin, Texas  
78759

835-2833 Fax  
413-8849 Wayne  
461-7501 George

8

Site



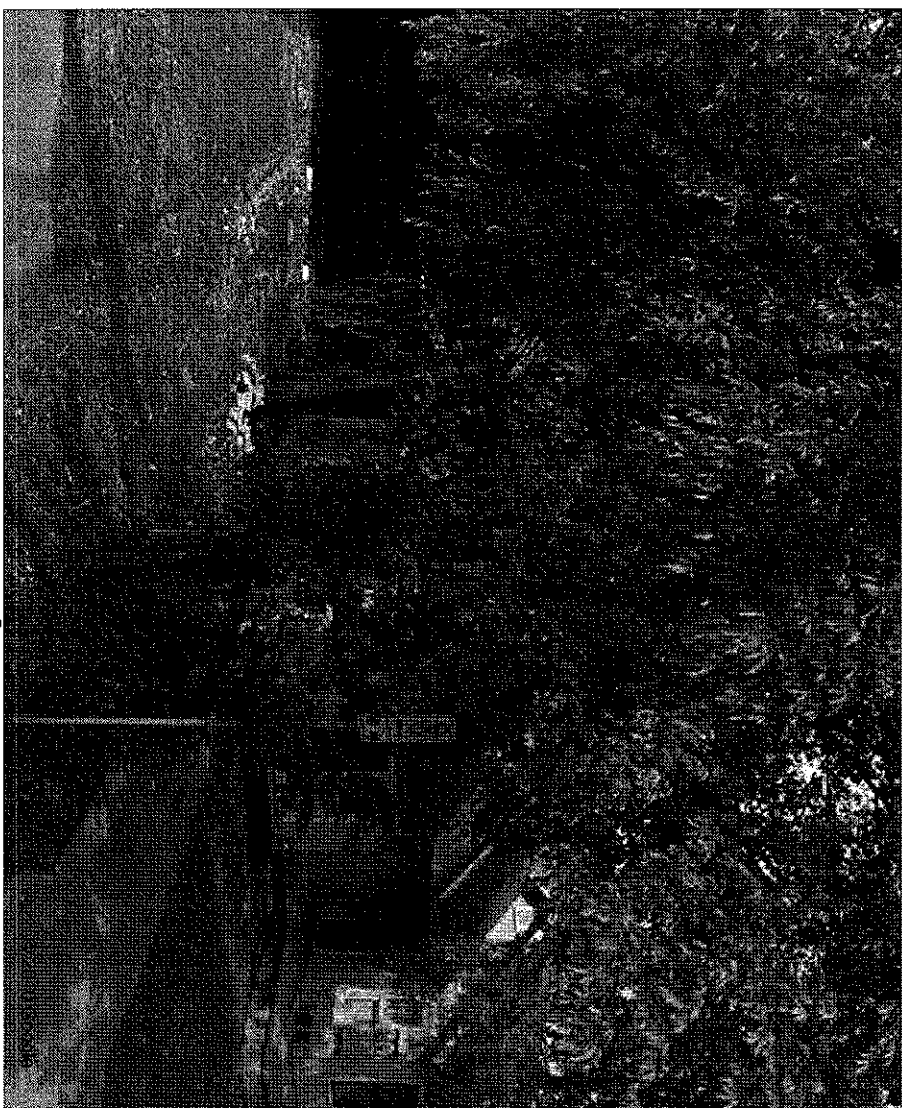



Google maps

Address 1416 West 45th Street

Address is approximate

**Save trees. Go green!**  
Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)



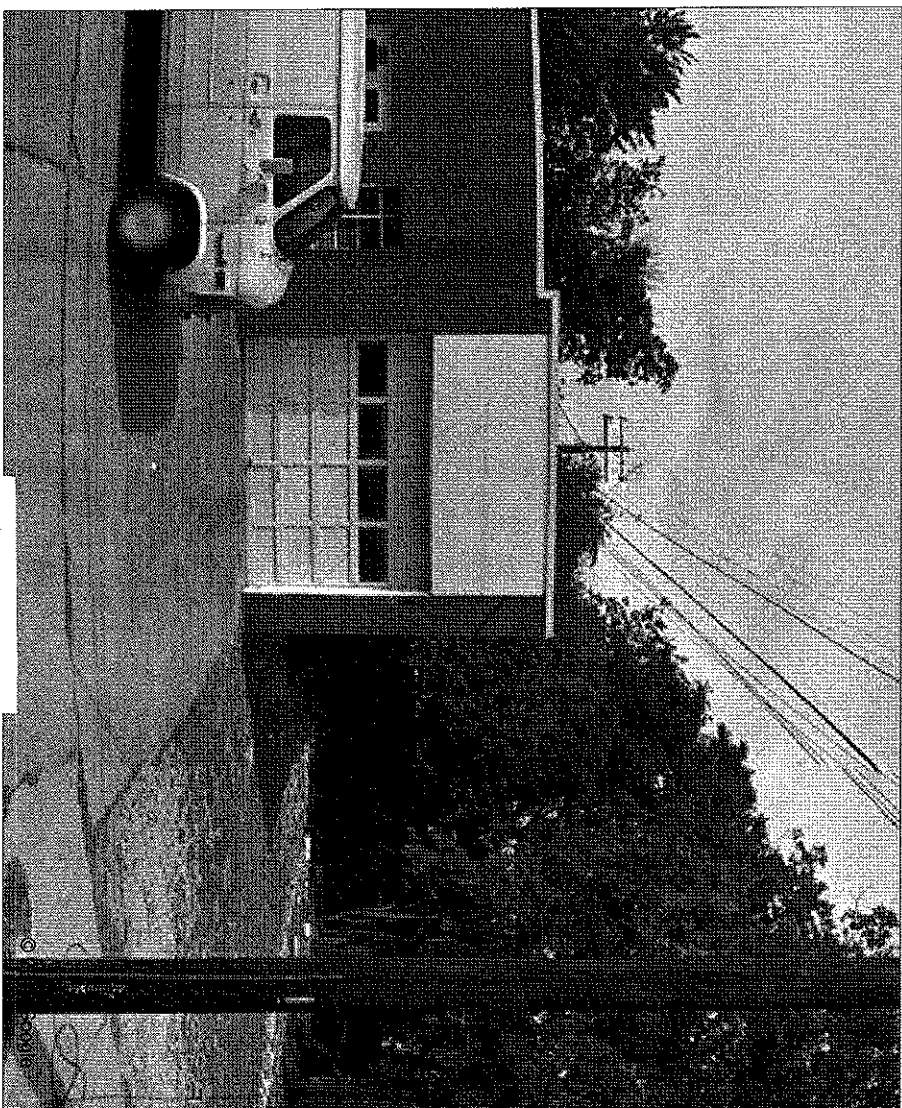
*LOT AND HOUSE TO EAST*



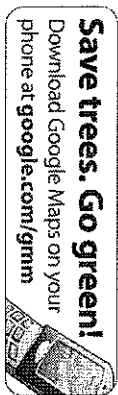
Google maps

Address 1416 West 45th Street

Address is approximate



LOT 70 WEST



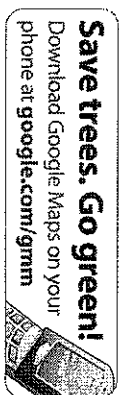
Google maps

Address 1416 West 45th Street

Address is approximate



LOT: 1405 W. 45th St

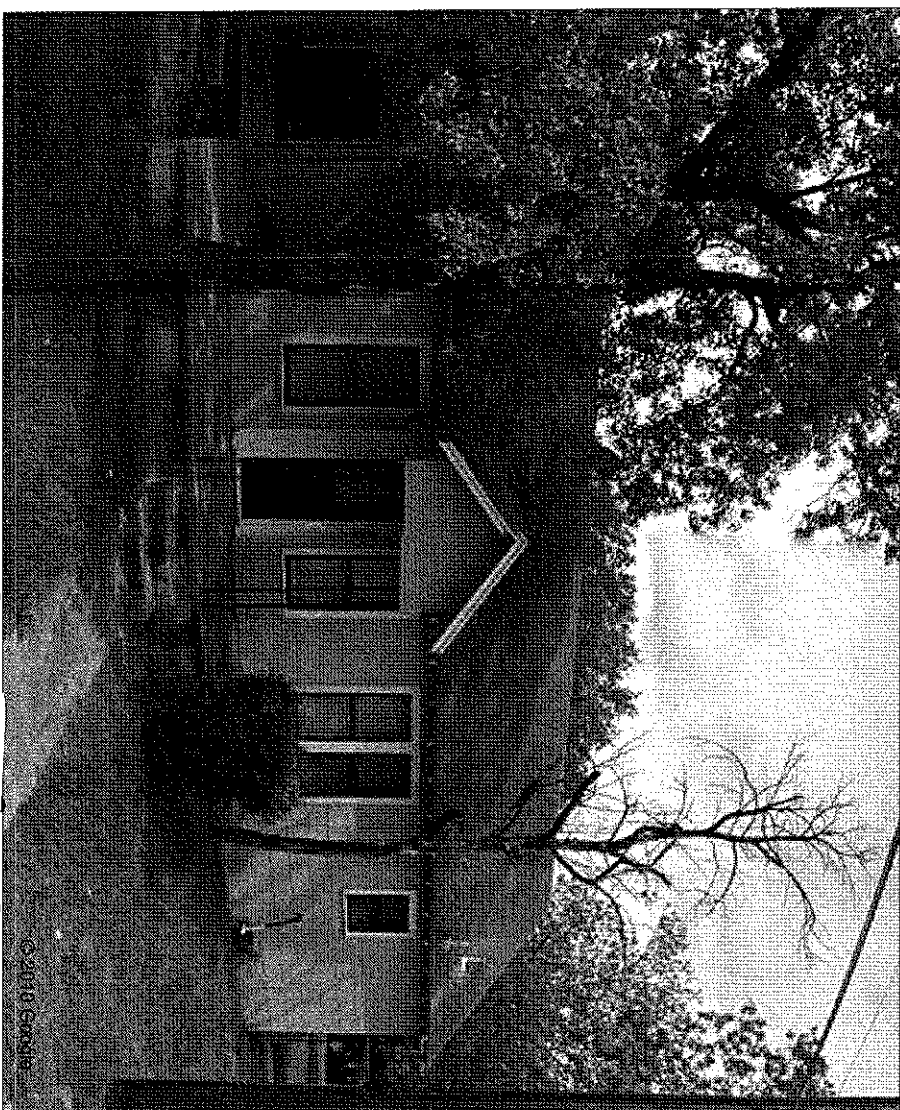


Google maps

Address 1416 West 45th Street

Address is approximate

**Save trees. Go green!**  
Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)



*HOUSE TO THE EAST  
OF LOT.*

© 2010 Google

